

AMENDED IN SENATE APRIL 25, 2005

SENATE BILL

No. 512

**Introduced by Committee on Education (Senators Scott (Chair),
Alquist, Denham, Dutton, Lowenthal, Maldonado, Morrow,
Romero, Simitian, Soto, Speier, and Torlakson)**
(Coauthor: Assembly Member Huff)

February 18, 2005

~~An act to amend Sections 8212, 8222, 8226, and 8352 of the Education Code, relating to child care. An act to amend Sections 8092, 41976, 41976.5, 42282.1, 42285, 44252.1, 48980, 49423, 49423.1, 52520, 52570, 52571, and 52572 of, and to repeal and add Section 48213 of, the Education Code, and to repeal Chapter 1.2 (commencing with Section 628) of Title 15 of Part 1 of the Penal Code, relating to public schools.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 512, as amended, Committee on Education. ~~The Child Care and Development Services Act.~~ *Education omnibus.*

(1) Existing law requires the Commission on Teacher Credentialing to adopt regulations to provide a grace period for candidates enrolled in specified credential programs to complete the requirements of the program, without being required to meet new requirements. Under existing law, these provisions will be repealed by their own terms on January 1, 2006.

This bill would delete the repeal provision in existing law.

(2) Existing law requires, by June 30, 1995, the State Department of Education, in consultation with the Department of Justice and a representative election of school districts and county offices of education to currently compile school crime statistics and to develop a standard school crime reporting form for use by all school districts

and county offices of education throughout the state. Existing law requires each principal of a school in a school district and each principal or director of a school, program, or camp under the jurisdiction of the county superintendent of schools to report crimes, and requires the superintendent of any school district to submit various reports, as specified. Existing law requires the State Department of Education to publish and distribute to all school districts and county offices of education an annual school crime reporting update that describes typical errors in school crime reporting procedures, describes effective and efficient methods of monitoring and recording school crime data, and identifies trends in school crime drawn from the annual school crime report submitted to the Legislature.

This bill would repeal those provisions.

(3) This bill would also delete and replace obsolete and incorrect references in existing law, and would clarify various provisions and make various corrections in existing law.

~~The Child Care and Development Services Act was established to provide a comprehensive, coordinated, and cost-effective system of child care and development services for children to age 13 years and their parents, including a full range of supervision, health, and support services through full- and part-time programs.~~

~~The act establishes child care resource and referral programs, established to serve defined geographic areas and administered by public or private resource and referral agencies, to provide referrals to child care services and assistance to child day care providers. Among the child care programs within the act are alternative payment programs, which the act authorizes to provide payment to child care facilities with at least 75% subsidized children in prescribed circumstances, and the program for child care for CalWorks recipients.~~

~~Under existing law, once a program operating pursuant to the act notifies an entity operating an alternative placement program, or a program for child care for CalWorks recipients, of a revocation or a temporary suspension order, the entity, within two business days, is required to terminate payment to the licensed child day care facility and to notify the parents and the licensed child day care facility in writing that payment has been terminated and the reason for the termination.~~

~~This bill would recast and revise those provisions and would require that each program operating pursuant to the act to provide the required notice within 2 days of being notified of a revocation or a temporary suspension order for a licensed child day care facility.~~

~~Under existing law, funds appropriated for purposes of the act, upon approval of the State Department of Education, may be used for alternative payment programs to allow for maximum parental choice, including subsidies, choices, whenever possible, among hours of services, and child care and development services according to parental choice.~~

~~Existing law requires that payments made by alternative payment programs be equal to the fee charged to full-cost families in each program. Existing law requires that currently funded agencies making payments in excess of the fee charged to full-cost families to come into compliance with this requirement by January 1, 1981.~~

~~This bill, instead, would prohibit an agency from making payments in excess of the fee charged to full-cost families.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8092 of the Education Code is amended
2 to read:
3 8092. (a) ~~Any~~A school district or districts, ~~any~~ a county
4 superintendent or superintendents, or the governing body of any
5 agency maintaining a regional occupational center or program
6 may contract with a private postsecondary school that is
7 authorized or approved pursuant to Chapter 3 (commencing with
8 Section 94300) of Part 59 and *that* has been in operation not less
9 than two full calendar years prior to the effective date of the
10 contract, to provide career technical skill training authorized by
11 this code. ~~Any~~ A school district, community college district, or
12 county superintendent of schools may contract with an activity
13 center, work activity center, or sheltered workshop to provide
14 career technical skill training authorized by this code in ~~any~~ an
15 adult education program for ~~substantially handicapped persons~~
16 *adults with disabilities* operated pursuant to subdivision (a) of
17 Section 41976.

(b) ~~All contracts.~~ *A contract* between a public entity and a private postsecondary school entered into pursuant to this section, or an activity center, work activity center, or sheltered workshop, shall do all of the following:

(1) Provide that the amount contracted for per student shall not exceed the total direct and indirect costs to provide the same training in the public schools or the tuition the private postsecondary school charges its private students, whichever is lower.

(2) Provide that the public school receiving training in a private postsecondary school, or an activity center, work activity center, or sheltered workshop pursuant to that contract may not be charged additional tuition for any training included in the contract. The attendance of those students pursuant to a contract authorized by this section shall be credited to the public entity for the purposes of apportionments from the State School Fund.

(3) Provide that all programs, courses, and classes of instruction shall meet the standards set forth in the California State Plan for Career Technical Education, or is a course of study for adult schools approved by the ~~State Department of Education~~ *department* under Section 51056.

(c) The students who attend a private postsecondary school or an activity center, work activity center, or sheltered workshop pursuant to a contract under this section shall be enrollees of the public entity and the career technical instruction provided pursuant to that contract shall be under the exclusive control and management of the governing body of the contracting public entity.

(d) The Department of Finance and the State Department of Education may audit the accounts of both the public entity and the private party involved in these contracts to the extent necessary to ~~assure~~ *ensure* the integrity of the public funds involved.

SEC. 2. Section 41976 of the Education Code is amended to read:

41976. (a) For purposes of this chapter, the following classes and courses are authorized to be offered by school districts and county superintendents of schools for apportionment purposes from the adult education fund:

1 (1) Adult programs in parenting, including parent cooperative
2 preschools, *and* classes in child growth and development, ~~and~~
3 parent-child relationships, ~~and classes in parenting.~~

4 (2) Adult programs in elementary and secondary basic skills
5 and other courses and classes required for the high school
6 diploma. Apportionments for these courses and classes may only
7 be generated by students who do not possess a high school
8 diploma, except for remedial academic courses or classes in
9 reading, mathematics, and language arts.

10 (3) Adult education programs in English as a second language.

11 (4) Adult education programs for immigrants eligible for
12 educational services in citizenship, English as a second language,
13 and workforce preparation classes in the basic skills of speaking,
14 listening, reading, writing, mathematics, decisionmaking and
15 problem solving skills, and other classes required for preparation
16 to participate in job specific technical training.

17 (5) Adult education programs for ~~substantially handicapped~~
18 ~~persons~~ *adults with disabilities.*

19 (6) Adult short-term ~~vocational~~ *career technical education*
20 programs with high employment potential. *Any reference to*
21 *“vocational” education or programs in adult education means*
22 *“career technical” education or programs in adult education.*

23 (7) Adult programs for older adults.

24 (8) Adult education programs for apprentices.

25 (9) Adult programs in home economics.

26 (10) Adult programs in health and safety education.

27 (b) No state apportionment shall be made for any course or
28 class which is not set forth in subdivision (a).

29 *SEC. 3. Section 41976.5 of the Education Code is amended to*
30 *read:*

31 41976.5. (a) Each school district or county superintendent of
32 schools providing services in summer school programs for
33 ~~substantially handicapped persons~~ *adults with disabilities* in the
34 1977-78 school year shall continue in the 1980-81 fiscal year
35 and each fiscal year thereafter to offer these programs.

36 ~~(b) Commencing with the summer of 1980 and each year~~
37 ~~thereafter, each~~ *A* school district or county superintendent of
38 schools receiving apportionments from Section A of the State
39 School Fund shall offer summer programs for graduating high

1 school seniors in need of courses for graduation—prior to
2 September of that calendar year.

3 *SEC. 4. Section 42282.1 of the Education Code is amended to*
4 *read:*

5 42282.1. (a) Notwithstanding Section 42282, or any other
6 provision of law, each necessary small school in the Death
7 Valley Unified School District shall qualify for the
8 apportionment specified in subdivision (b) of Section 42282 if
9 that ~~district~~ school has an average daily attendance of 21 or more
10 and less than 51, exclusive of pupils attending the 7th and 8th
11 grades of a junior high school, and for which school at least two
12 teachers were hired full-time for more than one-half of the days
13 schools were maintained.

14 (b) It is the intent of the Legislature not to provide a special
15 allowance to the Death Valley Unified School District for one of
16 its schools by future legislation if the average daily attendance at
17 the school is 18 or less.

18 *SEC. 5. Section 42285 of the Education Code is amended to*
19 *read:*

20 42285. (a) A necessary small high school for the purposes of
21 Section 42284, is a high school with an average daily attendance
22 of less than 301, excluding continuation schools, which comes
23 within any of the following conditions (except that a single high
24 school maintained by a unified district, or a high school
25 maintained by any district for the exclusive purpose of educating
26 juvenile hall pupils or pupils with exceptional needs, shall be
27 considered a necessary small high school):

28 (1) The projection of its future enrollment on the basis of the
29 enrollment of the elementary schools in the district shows that
30 within eight years the enrollment in high school in grades 9 to 12,
31 inclusive, will exceed 300 pupils.

32 (2) Any one of the following combinations of distance and
33 units of average daily attendance applies:

34 (A) The high school had an average daily attendance of less
35 than 100 in grades 9 to 12, inclusive, during the preceding fiscal
36 year and is more than 15 miles by well-traveled road from the
37 nearest other public high school and either 90 percent of the
38 pupils would be required to travel 20 miles or 25 percent of the
39 pupils would be required to travel 30 miles one way from a point

1 on a well-traveled road nearest their homes to the nearest other
2 public high school.

3 (B) The high school had an average daily attendance of 100 or
4 more and less than 150 in grades 9 to 12, inclusive, during the
5 preceding fiscal year and is more than 10 miles by well-traveled
6 road from the nearest other public high school and either 90
7 percent of the pupils would be required to travel 18 miles or 25
8 percent of the pupils would be required to travel 25 miles one
9 way from a point on a well-traveled road nearest their homes to
10 the nearest other public high school.

11 (C) The high school had an average daily attendance of 150 or
12 more and less than 200 in grades 9 to 12, inclusive, during the
13 preceding fiscal year and is more than 7½ miles by well-traveled
14 road from the nearest other public high school and either 90
15 percent of the pupils would be required to travel 15 miles or 25
16 percent of the pupils would be required to travel 20 miles one
17 way from a point on a well-traveled road nearest their homes to
18 the nearest other public high school.

19 (D) The high school had an average daily attendance of 200 or
20 more and less than ~~300~~ 301 in grades 9 to 12, inclusive, during
21 the preceding fiscal year and is more than five miles by
22 well-traveled road from the nearest other public high school and
23 either 90 percent of the pupils would be required to travel 10
24 miles or 25 percent of the pupils would be required to travel 15
25 miles to the nearest other public high school.

26 (3) Topographical or other conditions exist in the district
27 which would impose unusual hardships on the pupils if the
28 number of miles specified above were required to be traveled. In
29 these cases, the Superintendent of ~~Public Instruction~~ may, when
30 requested, and after investigation, grant exceptions from the
31 distance requirements.

32 (4) The Superintendent of ~~Public Instruction~~ has approved the
33 recommendation of a county committee on school district
34 organization designating one of two or more schools as necessary
35 isolated schools in a situation where the schools are operated by
36 two or more districts and the average daily attendance of each of
37 the schools is less than ~~300~~ 301 in grades 9 to 12, inclusive.

38 (b) For the 1998–99 fiscal year and each fiscal year thereafter,
39 the high school and junior high school average daily attendance
40 figures specified in subdivision (a) and the ranges of average

1 daily attendance specified in paragraph (2) of subdivision (a)
2 shall be reduced by the statewide average rate of excused absence
3 reported for high school districts for the 1996–97 fiscal year
4 pursuant to Section 42238.7, with the resultant figures and ranges
5 rounded to the nearest integer.

6 *SEC. 6. Section 44252.1 of the Education Code is amended to*
7 *read:*

8 44252.1. (a) It is the intent of the Legislature that a credential
9 candidate enrolled in a credential preparation program receive
10 reasonable time to complete the program without meeting new
11 requirements, including, but not limited to, requirements added
12 by statutes, regulations, or commission standards, after the
13 candidate's enrollment in the program. Further, to ensure that all
14 candidates for a credential receive reasonable information and
15 advice as they proceed through their program, the Legislature
16 finds and declares that it is incumbent upon credential
17 preparation programs to inform candidates of new requirements
18 and extension provisions available to eligible candidates.

19 (b) For the purposes of this section, the following terms shall
20 have the following meanings:

21 (1) "Enrolled" refers to an individual who, on or after January
22 1, 2002, continuously participates in and is working toward
23 completing the requirements for a program that meets the
24 minimum requirements for a California preliminary multiple or
25 single subject teaching credential as specified in Section 44259.
26 Whether an individual is enrolled shall be subject to verification
27 by the Commission on Teacher Credentialing.

28 (2) "Continuously enrolled" refers to an individual who has
29 begun a teacher preparation program and does not have a break
30 in that participation that exceeds a period of 18 months.

31 (c) The commission shall adopt regulations to provide a
32 credential candidate enrolled in a commission-accredited
33 preparation program, including, but not limited to, an internship
34 program as defined in Article 7.5 (commencing with Section
35 44325) and Article 3 (commencing with Section 44450), a
36 professional preparation program as defined in Article 7
37 (commencing with Section 44320), or an integrated program of
38 professional preparation as defined in Section 44259.1 with a
39 grace period to complete the program without meeting new
40 requirements, including, but not limited to, requirements added

1 by statutes, regulations, or commission standards, after the
2 candidate's enrollment in the program. The commission shall
3 also ensure through standards and accreditation procedures that
4 credential preparation programs provide credential candidates
5 with information about new requirements and extension
6 provisions as outlined in this subdivision and subdivisions (d)
7 and (e).

8 (1) The commission shall adopt regulations that provide a
9 credential candidate enrolled in a commission-accredited
10 preparation program time of not less than 24 months after
11 enrollment in the program, during which time new or amended
12 statutes, regulations, and commission standards that become
13 effective and are imposed on credential candidates after the
14 candidate's enrollment date shall not apply to that candidate.

15 (2) The commission shall allow a credential candidate an
16 extension of time in addition to the time specified pursuant to
17 paragraph (1) to complete a credential program under the
18 statutes, regulations, and commission standards in place at the
19 time of the candidate's enrollment if the candidate can
20 demonstrate extenuating circumstances, including, but not
21 limited to, personal or family illness, bereavement, or financial
22 hardship and develops a plan, in consultation with the credential
23 preparation program, for continued progress toward completion
24 of the preparation program.

25 (d) The commission shall maintain a list of candidates who are
26 allowed an extended time period to complete the program under
27 the statutes, regulations, and commission standards in place at the
28 time of the candidates' enrollment prior to the effective date of a
29 new or amended statute, regulation, or standard. This list shall
30 include the projected date of program completion for each
31 candidate.

32 (e) (1) A credential candidate enrolled in an integrated
33 program of professional preparation pursuant to subdivision (a)
34 of Section 44259.1 ~~shall~~ is not ~~be~~ subject to any new
35 requirements added by statute, regulation, or commission
36 standards if that candidate is continuously enrolled in the
37 program, as defined in paragraph (2) of subdivision (b), and does
38 not change the type of credential or program he or she is
39 pursuing once enrolled.

(2) A credential candidate continuously enrolled in an integrated program of professional preparation pursuant to subdivision (a) of Section 44259.1 who has completed all requirements necessary to begin the student teaching component of his or her program shall be eligible to receive an extension of 12 months, if necessary, to complete the outstanding requirements that were in place when that credential candidate began the preparation program, and shall not be subject to any new requirements added by statute, regulation, or commission standards, once that candidate begins the student teaching portion of his or her program.

(3) ~~Nothing in this~~ *This subdivision shall does not limit a candidate's the ability of a candidate* to seek additional time to complete a credential pursuant to paragraph (2) of subdivision (c).

(4) ~~This subdivision shall remain in effect only until January 1, 2006.~~

~~(5)~~ By June 30, 2004, the commission shall report to the education policy committees in each house of the Legislature on the success of the integrated program of professional development pursuant to Section 44259.1 toward preparing teacher candidates, including, but not limited to, the number of students admitted to the teacher education component in each program, the number of students who have completed all course requirements, including student teaching, and who have applied for a credential, the number of students applying for and receiving an extension pursuant to subdivision (e), and the information collected pursuant to subdivision (d).

(f) ~~Nothing in this~~ *This section is intended to does not* supersede subdivision (h) of Section 44259.

(g) A modification of a credentialing examination by the commission that is made as the result of a validity study or a passing standard study shall not be considered a new requirement for purposes of this section.

(h) If credential preparation coursework that a credential candidate has not yet taken is modified, the candidate shall take the modified coursework instead of the previously required coursework unless the modified coursework is not readily available, the modified coursework would result in an increased cost to the candidate, or completion of the modified coursework

1 would delay the candidate's completion of the credential
2 preparation program.

3 (i) Once a candidate has received a preliminary California
4 teaching credential pursuant to Section 44259 and is employed as
5 the teacher of record in a California public school, the candidate
6 shall not be subject to any new requirements for completing the
7 induction phase required to obtain the professional clear teaching
8 credential pursuant to Section 44279.4, for a period not to exceed
9 the length of time provided for the preliminary teaching
10 credential pursuant to Section 44251.

11 *SEC. 7. Section 48213 of the Education Code is repealed.*

12 ~~48213. Prior to excluding a child from attendance pursuant to~~
13 ~~Section 48211 or Section 48212, the governing board shall send~~
14 ~~a notice to the parent or guardian of the child. The notice shall~~
15 ~~contain each of the following:~~

16 ~~(a) A statement of the facts leading to a decision to propose~~
17 ~~exclusion of the child.~~

18 ~~(b) A statement that the parent or guardian of the child has a~~
19 ~~right to meet with the governing board to discuss the proposed~~
20 ~~exclusion.~~

21 ~~(c) A statement that at any meeting with the governing board~~
22 ~~held to discuss the proposed exclusion, the parent or guardian~~
23 ~~shall have an opportunity to inspect all documents that the~~
24 ~~governing board relied on in its decision to propose exclusion of~~
25 ~~the child; to challenge any evidence and to confront and question~~
26 ~~any witness presented by the governing board; and to present oral~~
27 ~~and documentary evidence on the child's behalf, including~~
28 ~~witnesses. The statement shall also include notice that the parent~~
29 ~~or guardian may designate one or more representatives to be~~
30 ~~present with the parent or guardian at the meeting.~~

31 ~~(d) A statement that the decision to exclude the child is subject~~
32 ~~to periodic review and a statement of the procedures set by the~~
33 ~~governing board for the periodic review.~~

34 ~~If a child is excluded from attendance pursuant to Section~~
35 ~~120230 of the Health and Safety Code or Section 49451 of this~~
36 ~~code, or when a principal or his or her designee determines that~~
37 ~~the continued presence of the child would constitute a clear and~~
38 ~~present danger to the life, safety, or health of pupils or school~~
39 ~~personnel, the governing board shall not be required to send prior~~
40 ~~notice of the exclusion to the parent or guardian of the child as~~

~~required in this section. The governing board shall send a notice as required by this section as soon as is reasonably possible after the exclusion.~~

SEC. 8. Section 48213 is added to the Education Code, to read:

48213. If a pupil is excluded from attendance pursuant to Section 120230 of the Health and Safety Code or Section 49451 of this code, or if a principal or his or her designee determines that the continued presence of the child would constitute a clear and present danger to the life, safety, or health of a pupil or school personnel, the governing board is not required to send prior notice of the exclusion to the parent or guardian of the pupil as required in this section. The governing board shall send a notice of the exclusion as soon as is reasonably possible after the exclusion.

SEC. 9. Section 48980 of the Education Code is amended to read:

48980. (a) At the beginning of the first semester or quarter of the regular school term, the governing board of each school district shall notify the parent or guardian of a minor pupil regarding the right or responsibility of the parent or guardian under Sections 35291, 46014, 48205, 48207, 48208, 49403, 49423, 49451, 49472, and 51938 and Chapter 2.3 (commencing with Section 32255) of Part 19.

(b) The notification also shall advise the parent or guardian of the availability of individualized instruction as prescribed by Section 48206.3, and of the program prescribed by Article 9 (commencing with Section 49510) of Chapter 9.

(c) The notification shall also advise the parents and guardians of all pupils attending a school within the district of the schedule of minimum days and pupil-free staff development days, and if any minimum or pupil-free staff development days are scheduled thereafter, the governing board shall notify parents and guardians of the affected pupils as early as possible, but not later than one month before the scheduled minimum or pupil-free day.

(d) The notification also may advise the parent or guardian of the importance of investing for future college or university education for their children and of considering appropriate investment options including, but not limited to, United States Savings Bonds.

1 (e) Commencing with the 2000–01 school year, and each
2 school year thereafter, the notification shall advise the parent or
3 guardian of the pupil that, commencing with the 2003–04 school
4 year, and each school year thereafter, each pupil completing 12th
5 grade will be required to successfully pass the high school exit
6 examination administered pursuant to Chapter 8 (commencing
7 with Section 60850) of Part 33. The notification shall include, at
8 a minimum, the date of the examination, the requirements for
9 passing the examination, and shall inform the parents and
10 guardians regarding the consequences of not passing the
11 examination and shall inform parents and guardians that passing
12 the examination is a condition of graduation.

13 (f) Each school district that elects to provide a fingerprinting
14 program pursuant to Article 10 (commencing with Section
15 32390) shall inform parents or guardians of the program as
16 specified in Section 32390.

17 (g) The notification shall also include a copy of the district's
18 written policy on sexual harassment established pursuant to
19 Section 212.6, as it relates to pupils.

20 ~~(h) The notification shall include a copy of the written policy~~
21 ~~of the school district adopted pursuant to Section 51870.5~~
22 ~~regarding access by pupils to Internet and online sites.~~

23 (i) The notification shall advise the parent or guardian of all
24 existing statutory attendance options and local attendance options
25 available in the school district. That notification shall include all
26 options for meeting residency requirements for school
27 attendance, programmatic options offered within the local
28 attendance areas, and any special programmatic options available
29 on both an interdistrict and intradistrict basis. That notification
30 shall also include a description of all options, a description of the
31 procedure for application for alternative attendance areas or
32 programs, an application form from the district for requesting a
33 change of attendance, and a description of the appeals process
34 available, if any, for a parent or guardian denied a change of
35 attendance. The notification shall also include an explanation of
36 the existing statutory attendance options including, but not
37 limited to, those available under Section 35160.5, Chapter 5
38 (commencing with Section 46600) of Part 26, subdivision (f) of
39 Section 48204, and Article 1.5 (commencing with Section
40 48209) of Chapter 2 of Part 27. The department shall produce

1 this portion of the notification and shall distribute it to all school
2 districts.

3 ~~(j)~~

4 (i) It is the intent of the Legislature that the governing board of
5 each school district annually review the enrollment options
6 available to the pupils within their districts and that the school
7 districts strive to make available enrollment options that meet the
8 diverse needs, potential, and interests of California's pupils.

9 ~~(k)~~

10 (j) The notification shall advise the parent or guardian that no
11 pupil may have his or her grade reduced or lose academic credit
12 for any absence or absences excused pursuant to Section 48205 if
13 missed assignments and tests that can reasonably be provided are
14 satisfactorily completed within a reasonable period of time, and
15 shall include the full text of Section 48205.

16 ~~(l)~~

17 (k) The notification shall advise the parent or guardian of the
18 availability of state funds to cover the costs of advanced
19 placement examination fees pursuant to Section 52244.

20 *SEC. 10. Section 49423 of the Education Code is amended to*
21 *read:*

22 49423. (a) Notwithstanding Section 49422, any pupil who is
23 required to take, during the regular schoolday, medication
24 prescribed for him or her by a physician~~and~~ or surgeon, may be
25 assisted by the school nurse or other designated school personnel
26 or may carry and self-administer prescription auto-injectable
27 epinephrine if the school district receives the appropriate written
28 statements identified in subdivision (b).

29 (b) (1) In order for a pupil to be assisted by a school nurse or
30 other designated school personnel pursuant to subdivision (a), the
31 school district shall obtain both a written statement from the
32 physician detailing the name of the medication, method, amount,
33 and time schedules by which the medication is to be taken and a
34 written statement from the parent, foster parent, or guardian of
35 the pupil indicating the desire that the school district assist the
36 pupil in the matters set forth in the statement of the physician.

37 (2) In order for a pupil to carry and self-administer
38 prescription auto-injectable epinephrine pursuant to subdivision
39 (a), the school district shall obtain both a written statement from
40 the physician~~and~~ or surgeon detailing the name of the

1 medication, method, amount, and time schedules by which the
2 medication is to be taken, and confirming that the pupil is able to
3 self-administer auto-injectable epinephrine, and a written
4 statement from the parent, foster parent, or guardian of the pupil
5 consenting to the self-administration, providing a release for the
6 school nurse or other designated school personnel to consult with
7 the health care provider of the pupil regarding any questions that
8 may arise with regard to the medication, and releasing the school
9 district and school personnel from civil liability if the
10 ~~self-administering~~ *self-administering* pupil suffers an adverse
11 reaction as a result of self-administering medication pursuant to
12 this paragraph.

13 (3) The written statements specified in this subdivision shall
14 be provided at least annually and more frequently if the
15 medication, dosage, frequency of administration, or reason for
16 administration changes.

17 (c) A pupil may be subject to disciplinary action pursuant to
18 Section 48900 if that pupil uses auto-injectable epinephrine in a
19 manner other than as prescribed.

20 *SEC. 11. Section 49423.1 of the Education Code is amended*
21 *to read:*

22 49423.1. (a) Notwithstanding Section 49422, any pupil who
23 is required to take, during the regular schoolday, medication
24 prescribed for him or her by a physician and surgeon, may be
25 assisted by the school nurse or other designated school personnel
26 or may carry and self-administer inhaled asthma medication if
27 the school district receives the appropriate written statements
28 specified in subdivision (b).

29 (b) (1) In order for a pupil to be assisted by a school nurse or
30 other designated school personnel pursuant to subdivision (a), the
31 school district shall obtain both a written statement from the
32 physician~~and~~ *or* surgeon detailing the name of the medication,
33 method, amount, and time schedules by which the medication is
34 to be taken and a written statement from the parent, foster parent,
35 or guardian of the pupil requesting that the school district assist
36 the pupil in the matters set forth in the statement of the physician
37 ~~and~~ *or* surgeon.

38 (2) In order for a pupil to carry and self-administer
39 prescription inhaled asthma medication pursuant to subdivision
40 (a), the school district shall obtain both a written statement from

1 the physician~~—and~~ or surgeon detailing the name of the
2 medication, method, amount, and time schedules by which the
3 medication is to be taken, and confirming that the pupil is able to
4 self-administer inhaled asthma medication, and a written
5 statement from the parent, foster parent, or guardian of the pupil
6 consenting to the self-administration, providing a release for the
7 school nurse or other designated school personnel to consult with
8 the health care provider of the pupil regarding any questions that
9 may arise with regard to the medication, and releasing the school
10 district and school personnel from civil liability if the
11 self-administering pupil suffers an adverse reaction by taking
12 medication pursuant to this section.

13 (3) The written statements specified in this subdivision shall
14 be provided at least annually and more frequently if the
15 medication, dosage, frequency of administration, or reason for
16 administration changes.

17 (c) A pupil may be subject to disciplinary action pursuant to
18 Section 48900 if that pupil uses inhaled asthma medication in a
19 manner other than as prescribed.

20 *SEC. 12. Section 52520 of the Education Code is amended to*
21 *read:*

22 52520. (a) Every vocational or occupational training program
23 for adults offered by any high school district or unified school
24 district shall be reviewed every two years by the governing board
25 to assure that each such program does all of the following:

26 (1) Meets a documented labor market demand.

27 (2) Does not represent unnecessary duplication of other
28 manpower training programs in the area.

29 (3) Is of demonstrated effectiveness as measured by the
30 employment and completion success of its students.

31 (b) Any program that does not meet the requirements of
32 subdivision (a) and the standards promulgated by the governing
33 board shall be terminated within one year.

34 (c) The review process required by this section shall include
35 the review and comments by the ~~local Private Industry Council~~
36 *local workforce Investment board* established pursuant to *the*
37 *Workforce Investment act of 1998 (29 U.S.C. Sec. 2801 et seq.),*
38 *and pursuant to (Division 8 (commencing with Section 15000) of*
39 *the Unemployment Insurance Code), which review and*

1 comments shall occur prior to any decision by the appropriate
2 governing body.

3 ~~(d) The provisions of this section shall apply to each program~~
4 ~~commenced subsequent to the effective date of this section.~~

5 *SEC. 13. Section 52570 of the Education Code is amended to*
6 *read:*

7 52570. The governing board of any school district
8 maintaining secondary schools or the county superintendent of
9 schools, shall have the power, with the approval of the
10 Department of Education, to establish special classes for adults
11 designed to serve the educational needs of ~~handicapped adults~~
12 *adults with disabilities*. ~~Such~~ *These* classes shall be directed to
13 providing instruction in civic, vocational, literary, homemaking,
14 technical, and general education and shall conform to standards
15 of attendance, curriculum, and administration established by the
16 ~~Department of Education~~ *department*. Attendance of
17 ~~handicapped adults~~ *adults with disabilities* in such classes
18 established by the county superintendent of schools shall be
19 included for purposes of apportionments to the county school
20 service fund.

21 *SEC. 14. Section 52571 of the Education Code is amended to*
22 *read:*

23 52571. Special classes for ~~handicapped adults~~ *adults with*
24 *disabilities* may be conducted under the direction of the
25 governing board of the school district in workshop and training
26 facilities provided by nonprofit organizations, or in public school
27 facilities. ~~Such~~ *These* facilities may include those where
28 part-time paid work education and training is conducted and
29 where less than the state minimum wage is paid.

30 *SEC. 15. Section 52572 of the Education Code is amended to*
31 *read:*

32 52572. The governing board of any school district or the
33 county superintendent of schools authorized by this article to
34 establish special classes for adults designed to serve the
35 educational needs of ~~handicapped adults~~ *adults with disabilities*
36 may contract for the providing of such classes by any adjacent
37 high school district or unified school district, subject to the
38 approval of the ~~Superintendent of Public Instruction~~. For
39 purposes of apportionments, the average daily attendance in
40 classes conducted pursuant to the contract shall accrue to and be

1 reported by the district in which ~~such~~ *the* student resides. Any
2 contract entered into pursuant to this section shall be for a term
3 of not to exceed one year but may be renewed or revised and
4 renewed annually.

5 *SEC. 16. Chapter 1.2 (commencing with Section 628) of Title*
6 *15 of Part 1 of the Penal Code is repealed.*

7 ~~SECTION 1. Section 8212 of the Education Code is amended~~
8 ~~to read:~~

9 ~~8212. For purposes of this article, child care resource and~~
10 ~~referral programs, established to serve a defined geographic area,~~
11 ~~shall provide the following services:~~

12 ~~(a) Identification of the full range of existing child care~~
13 ~~services through information provided by all relevant public and~~
14 ~~private agencies in the areas of service, and the development of a~~
15 ~~resource file of those services which shall be maintained and~~
16 ~~updated at least quarterly. These services shall include, but not be~~
17 ~~limited to, family day care homes, public and private day care~~
18 ~~programs, full-time and part-time programs, and infant,~~
19 ~~preschool, and extended care programs.~~

20 ~~The resource file shall include, but not be limited to, the~~
21 ~~following information:~~

22 ~~(1) Type of program.~~

23 ~~(2) Hours of service.~~

24 ~~(3) Ages of children served.~~

25 ~~(4) Fees and eligibility for services.~~

26 ~~(5) Significant program information.~~

27 ~~(b) (1) Establishment of a referral process which responds to~~
28 ~~parental need for information and which is provided with full~~
29 ~~recognition of the confidentiality rights of parents. Resource and~~
30 ~~referral programs shall make referrals to licensed child day care~~
31 ~~facilities. Referrals shall be made to unlicensed care facilities~~
32 ~~only if there is no requirement that the facility be licensed. The~~
33 ~~referral process shall afford parents maximum access to all~~
34 ~~referral information. This access shall include, but is not limited~~
35 ~~to, telephone referrals to be made available for at least 30 hours~~
36 ~~per week as part of a full week of operation. Every effort shall be~~
37 ~~made to reach all parents within the defined geographic area,~~
38 ~~including, but not limited to, any of the following:~~

39 ~~(A) Toll-free telephone lines.~~

40 ~~(B) Office space convenient to parents and providers.~~

~~(C) Referrals in languages which are spoken in the community.~~

~~Each child care resource and referral program shall publicize its services through all available media sources, agencies, and other appropriate methods.~~

~~(2) (A) Provision of information to any person who requests a child care referral of his or her right to view the licensing information of a licensed child day care facility required to be maintained at the facility pursuant to Section 1596.859 of the Health and Safety Code and to access any public files pertaining to the facility that are maintained by the State Department of Social Services Community Care Licensing Division.~~

~~(B) A written or oral advisement in substantially the following form will comply with the requirements of subparagraph (A):~~

~~“State law requires licensed child day care facilities to make accessible to the public a copy of any licensing report pertaining to the facility that documents a facility visit or a substantiated complaint investigation. In addition, a more complete file regarding a child care licensee may be available at an office of the State Department of Social Services Community Care Licensing Division. You have the right to access any public information in these files.”~~

~~(e) Maintenance of ongoing documentation of requests for service tabulated through the internal referral process. The following documentation of requests for service shall be maintained by all child care resource and referral programs:~~

~~(1) Number of calls and contacts to the child care information and referral program or component.~~

~~(2) Ages of children served.~~

~~(3) Time category of child care request for each child.~~

~~(4) Special time category, such as nights, weekends, and swing shift.~~

~~(5) Reason that the child care is needed.~~

~~This information shall be maintained in a manner that is easily accessible for dissemination purposes.~~

~~(d) Provision of technical assistance to existing and potential providers of all types of child care services. This assistance shall include, but not be limited to:~~

~~(1) Information on all aspects of initiating new child care services including, but not limited to, licensing, zoning, program~~

1 and budget development, and assistance in finding this
2 information from other sources.

3 (2) Information and resources that help existing child care
4 services providers to maximize their ability to serve the children
5 and parents of their community.

6 (3) Dissemination of information on current public issues
7 affecting the local and state delivery of child care services.

8 (4) Facilitation of communication between existing child care
9 and child-related services providers in the community served.

10 Services prescribed by this section shall be provided in order to
11 maximize parental choice in the selection of child care to
12 facilitate the maintenance and development of child care services
13 and resources.

14 (e) (1) A program operating pursuant to this article shall,
15 within two business days of receiving notice, remove a licensed
16 child day care facility with a revocation or a temporary
17 suspension order, or that is on probation from the program's
18 referral list.

19 (2) A program operating pursuant to this article shall, within
20 two business days of receiving notice, notify all entities,
21 operating a program under Article 3 (commencing with Section
22 8220) and Article 15.5 (commencing with Section 8350) in the
23 program's jurisdiction, of a licensed child day care facility with a
24 revocation or a temporary suspension order, or that is on
25 probation.

26 SEC. 2. Section 8222 of the Education Code is amended to
27 read:

28 8222. Payments made by alternative payment programs shall
29 be equal to the fee charged to full-cost families in each program.
30 Alternative payment programs may expend more than the
31 standard reimbursement rate for a particular child. However, the
32 aggregate payments for services purchased by the agency during
33 the contract year may not exceed the assigned reimbursable
34 amount as established by the contract for the year.

35 An agency may not make payments in excess of the fee
36 charged to full-cost families.

37 This section does not preclude alternative payment programs
38 from using the average daily enrollment adjustment factors for
39 children with special needs as provided in Section 8265.5.

1 ~~SEC. 3. Section 8226 of the Education Code is amended to~~
2 ~~read:~~

3 ~~8226. (a) When making referrals, every program operating~~
4 ~~pursuant to this article shall provide information to any person~~
5 ~~who requests a child care referral of his or her right to view the~~
6 ~~licensing information of a licensed child day care facility~~
7 ~~required to be maintained at the facility pursuant to Section~~
8 ~~1596.859 of the Health and Safety Code and to access any public~~
9 ~~files pertaining to the facility that are maintained by the State~~
10 ~~Department of Social Services Community Care Licensing~~
11 ~~Division.~~

12 ~~(b) A written or oral advisement in substantially the following~~
13 ~~form will comply with the requirements of subdivision (a):~~

14 ~~“State law requires licensed child day care facilities to make~~
15 ~~accessible to the public a copy of any licensing report pertaining~~
16 ~~to the facility that documents a facility visit or a substantiated~~
17 ~~complaint investigation. In addition, a more complete file~~
18 ~~regarding a child care licensee may be available at an office of~~
19 ~~the State Department of Social Services Community Care~~
20 ~~Licensing Division. You have the right to access any public~~
21 ~~information in these files.”~~

22 ~~(c) Every program operating pursuant to this article, within~~
23 ~~two days of receiving notice, shall remove from the program’s~~
24 ~~referral list the name of any licensed child day care facility with~~
25 ~~a revocation or a temporary suspension order or that is on~~
26 ~~probation.~~

27 ~~(d) Each program operating pursuant to this article shall,~~
28 ~~within two business days of being notified of a revocation or a~~
29 ~~temporary suspension order for a licensed child day care facility,~~
30 ~~do both of the following:~~

31 ~~(1) Terminate payment to the facility.~~

32 ~~(2) Notify each parent and the facility in writing that payment~~
33 ~~has been terminated and the reason for the termination.~~

34 ~~(e) Each program operating pursuant to this article shall, upon~~
35 ~~being notified that a licensed child day care facility has been~~
36 ~~placed on probation, provide written notice to each parent~~
37 ~~utilizing the facility that the facility has been placed on probation~~
38 ~~and that the parent has the option of locating alternative child day~~
39 ~~care arrangements or remaining with the facility without risk of~~
40 ~~subsidy payments to the provider being terminated. The~~

1 ~~Legislature urges each agency operating pursuant to this section~~
2 ~~to provide the written notice required by this subdivision in the~~
3 ~~primary language of the parent, to the extent feasible.~~

4 ~~SEC. 4. Section 8352 of the Education Code is amended to~~
5 ~~read:~~

6 ~~8352. (a) As soon as appropriate, a county welfare~~
7 ~~department shall refer families needing child care services to the~~
8 ~~local child care resource and referral program funded pursuant to~~
9 ~~Article 2 (commencing with Section 8210). Resource and referral~~
10 ~~program staff shall colocate with a county welfare department's~~
11 ~~case management offices for aid under Chapter 2 (commencing~~
12 ~~with Section 11200) of Part 3 of Division 9 of the Welfare and~~
13 ~~Institutions Code, or any successor program, or arrange other~~
14 ~~means of swift communication with parents and case managers~~
15 ~~of this aid. The local child care resource and referral program~~
16 ~~shall assist families to establish stable child care arrangements as~~
17 ~~soon as possible. These child care arrangements may include~~
18 ~~licensed and license-exempt care.~~

19 ~~(b) Each program operating pursuant to this article shall,~~
20 ~~within two business days of being notified of a revocation or a~~
21 ~~temporary suspension order for a licensed child day care facility,~~
22 ~~do both of the following:~~

23 ~~(1) Terminate payment to the facility.~~

24 ~~(2) Notify each parent and the facility in writing that payment~~
25 ~~has been terminated and the reason for the termination.~~

26 ~~(c) Each program operating pursuant to this article shall, upon~~
27 ~~being notified that a licensed child care facility has been placed~~
28 ~~on probation, provide written notice to each parent utilizing the~~
29 ~~facility that the facility has been placed on probation and that the~~
30 ~~parent has the option of locating alternative child day care~~
31 ~~arrangements or remaining with the facility without risk of~~
32 ~~subsidy payments to the provider being terminated. The~~
33 ~~Legislature urges each agency operating pursuant to this section~~
34 ~~to provide the written notice required by this subdivision in the~~
35 ~~primary language of the parent, to the extent feasible.~~